

REMARKS

This application has been reviewed in light of the Office Action dated July 13, 2004. Claims 1-24 are presented for examination, of which Claims 1, 5, 9, 13, 17, and 21 are in independent form. Claims 1, 5, 9, 13, 17, and 21 have been amended to define Applicant's invention still more clearly. Favorable reconsideration is requested in view of the following comments.

The Office Action states that Claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,796,633 (Burgess et al.) in view of U.S. Patent No. 6,101,500 (Lau).

Independent Claim 1 has been amended to further clarify that the first discriminating means discriminates a licenser computer having a license server function for issuing a predetermined license to at least one of a data processing apparatus and any other of a plurality of computers. For example, as amended, independent Claim 1 recites a data processing apparatus adapted to communicate data through a network to each of the plurality of computers and a plurality of peripheral devices connected to the network. The data processing apparatus includes display means, first discriminating means, and first control means. The display means displays the plurality of computers and the plurality of peripheral devices as symbol information on a virtual system display screen. The first discriminating means discriminates, from the plurality of computers, a licenser computer having a license server function for issuing a

predetermined license to at least one of the data processing apparatus and any other of the plurality of computers. The first control means controls the licenser computer such that the licenser computer may be identified from other devices on the virtual system display screen.

One of the notable features of Claim 1 is the discriminating, from the plurality of computers, the licenser computer having a license server function for issuing a predetermined license to at least one of the data processing apparatus and any other of the plurality of computers. According to an aspect of the invention to which Claim 1 relates, the licenser computer is adapted to limit the number of clients that are allowed to use some specific OS or application, to a predetermined number, and to manage the limited number of clients.

As pointed out in the Amendment filed on April 15, 2004, Burgess et al. relates to a system for monitoring the performance of a computer in a computer network. Performance data is recorded in a central database, and alerts are generated when a performance problem is indicated.

Lau is understood to relate to a network management system for managing objects in a hierarchical manner. A composite index is determined for each network object, and the composite index is used as an indicator of the health of the object.

It is respectfully submitted that nothing has been found, or pointed out, in either Burgess et al. or Lau, that would teach or suggest a data processing apparatus that is adapted to communicate data through a network to each of a plurality of computers and a plurality of

peripheral devices connected to the network, wherein the data processing apparatus includes a first discriminating means for discriminating, from the plurality of computers, a licenser computer having a license server function for issuing a predetermined license to at least one of the data processing apparatus and any other of the plurality of computers, and a first control means for controlling the licenser computer discriminated by the first discriminating means such that the licenser computer may be identified from other devices on the virtual system display screen, as recited in Claim 1.

The Office Action concedes that Burgess et al. fails to disclose the first discriminating means and the first control means of Claim 1, but then asserts that:

“In the same field of endeavor Lau disclosed MS-DOS operating systems from Microsoft Corporation, the Unix Operating system available from may Vendors, such as Sun Microsystems, Inc., and the Hewlett-Packard Corporation, or the Net ware or Intranet- Ware operating systems available from Novell, Incorporated (windows and MS-Dos are registered trademark in the United States licensed exclusively through X/Open Company, Ltd, NetWare and Intranet Ware are registered trademarks of Novell, Incorporated) (column 9, lines 15-25).

It would have been obvious to one having ordinary skill in the art . . . to have incorporated first discriminating means for discriminating a licenser computer having a license server function. . . and first control means . . . as taught by Lau in the method of Burgess to allow easy tracking of the configuration of computers in the network.”

Page 5 of the Office Action further asserts that:

“One ordinary skill in the art at the time of invention it would have been obvious to discriminate different computers or users or servers on the basis of licensee agreements. Lau stated . . . that different has to be licensed in order for the different vendors to use it.”

However, Applicant respectfully submits that the cited portion of Lau (col. 9, lines 52-67) has nothing to do with *discriminating* a licenser computer, let alone a licenser computer that has a license server function for issuing a predetermined license to at least one of a data

processing apparatus and any other of a plurality of computers, and controlling a licenser computer such that the licenser computer may be identified from other devices on a virtual system display screen. To the contrary, the cited portion of Lau states merely that UNIX is an operating system that is licensed exclusively through X/Open Company, Ltd. The mere fact that UNIX is a licensed operating system does not in any way teach or suggest how to automatically perform a function of discriminating any licensing elements at all, let alone how to perform (at a data processing apparatus) discriminating, from plural computers, of a licenser computer having a license server function for issuing a predetermined license to at least one of a data processing apparatus and any other of the computers.

In view of the foregoing, it is believed that Claim 1 is clearly patentable over Burgess et al. and Lau, whether considered separately or in combination. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claim 1 under 35 U.S.C. § 103(a).

If the Examiner still is not persuaded to remove the rejection of Claim 1 despite the foregoing remarks, the Examiner is respectfully requested to explain in detail precisely how the cited portion of Lau (col. 9, lines 15-25) can possibly be construed to teach performing an automatic function of discriminating, from plural computers, a licenser computer having a license server function, when that cited portion of Lau does nothing but merely point out the simple fact that UNIX is a licensed operating system, without providing any description whatsoever regarding a discriminating function.

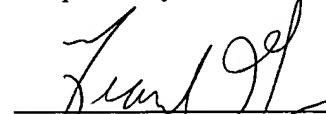
Independent Claims 5, 9, 13, 17, and 21 include similar discrimination and control features as those discussed above, and therefore are believed to be patentable over those references for at least the above reasons.

Further, the other rejected claims in this application depend from one or another of the independent claims discussed above, and therefore are submitted to be patentable for at least the same reasons as are those independent claims. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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